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10/661,487

09/15/2003

Robert Leon Wallace

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06/30/2005

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EXAMINER

KHAN, SUHAIL

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,487

Applicant(s)

WALLACE, ROBERT LEON

Examiner

Suhail Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-12, 14-21 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. App. Pub. No. 20040018853 to Lewis.

Referring to **claim 1**, Lewis discloses a software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) comprising: a plurality of communication schemes (page 4, paragraph 27, one or more service modes); a configuration system for selectively enabling one of the plurality of communication schemes (configuration controller for configuring for supporting one or more service modes) comprising a processor (page 4, paragraph 42, processor), a smartcard reader (page 1, paragraph 9, SIM card with a data processor) and a memory (page 4, paragraph 34, memory); wherein the one of the plurality of communication schemes is selected and enabled by the processor based on information from a user's smartcard (page 1, paragraph 9, SIM card with a data processor; page 4, paragraph 27, processor comprising receiver adapted to receive information relating to plurality of service modes; SIM card is interpreted as being the smartcard).

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Referring to **claim 2**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1, wherein the plurality of communication schemes includes a plurality of communication protocols (page 4, paragraph 27, one or more service modes).

Referring to **claim 3**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1, wherein the plurality of communication schemes (page 4, paragraph 27, one or more service modes) include a plurality of modulation/demodulation techniques (page 5, paragraph 53, configurations relating to possible candidate modulation scheme, optimum mix of modulation methods; page 4, paragraph 42, decoder/demodulator).

Referring to **claim 4**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1, wherein the plurality of communication schemes (page 4, paragraph 27, one or more service modes) include a plurality of coding/decoding techniques (page 2, paragraph 15, different spreading factors and scrambling code links; page 4, paragraph 42, decoder/demodulator).

Referring to **claim 5**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1, wherein the information retrieved from the smart card comprises a communication scheme (page 1, paragraph 9, SIM card with a data processor, GSM data card).

Referring to **claim 7**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1,

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comprising a programmable A/D converter or a programmable D/A converter (page 3, paragraph 19, analog to digital converter).

Referring to **claim 8**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1, comprising a programmable digital signal processor (page 3, paragraph 19, programmable digital signal processors).

Referring to **claim 9**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 7, wherein the program for driving the programmable A/D converter or programmable D/A converter (page 3, paragraph 19, analog to digital converter) is stored in the memory (page 4, paragraph 34, memory).

Referring to **claim 10**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 8, wherein the program for driving the programmable digital signal processor (page 3, paragraph 19, programmable digital signal processors) is stored in the memory (page 4, paragraph 34, memory).

Referring to **claim 11**, Lewis discloses in a software defined radio ("SDR") (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations), the SDR comprising layered communication information (page 2, paragraph 16, shows physical layer) and plural communication protocols (page 4, paragraph 27, one or more service modes), a method of configuring the SDR (page 5, paragraph 52, software download for configurations), the improvement comprising the steps of: providing a smartcard containing configuration

information (page 1, paragraph 9, SIM card with a data processor; page 4, paragraph 27, processor comprising receiver adapted to receive information relating to plurality of service modes); retrieving the configuration information from the smartcard (page 1, paragraph 9, SIM card with a data processor); and, configuring the SDR based on the configuration information (page 5, paragraph 52, software download for configurations).

Referring to **claim 12**, Lewis discloses the method of claim 11, comprising the step of selecting the layered communication information (page 2, paragraph 16, shows physical layer) and plural communication protocols (page 4, paragraph 27, one or more service modes) is based on the configuration information (page 5, paragraph 52, software download for configurations).

Referring to **claim 14**, Lewis discloses the method of claim 11, wherein the step of configuring comprises selecting and executing stored software modules for driving generic radio hardware according to the configuration information (page 6, paragraph 53, information downloaded could be a mixture of software and hardware configuration information).

Referring to **claim 15**, Lewis discloses the method of Claim 14, wherein the generic radio hardware is selected from the group of microprocessors, modulators/demodulators, digital signal processors (page 6, paragraph 53, information downloaded could be a mixture of software and hardware configuration information; (page 3, paragraph 19, programmable digital signal processors).

Referring to **claim 16**, Lewis discloses in a software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) comprising multiple link-layered communication protocols (page 4, paragraph 27, one or more service modes), a method for configuring the SDR (page 5, paragraph 52, software download for configurations) the

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improvement comprising retrieving configuration instructions from a smartcard containing a specific configuration (page 1, paragraph 9, SIM card with a data processor; page 4, paragraph 27, processor comprising receiver adapted to receive information relating to plurality of service modes).

Referring to **claim 17**, Lewis discloses the method of Claim 16, wherein the specific configuration (page 5, paragraph 52, software download for configurations) includes, modulation/demodulation type, digital processing and operational protocols (page 3, paragraph 19, programmable digital signal processors).

Referring to **claim 18**, Lewis discloses the method of Claim 16, wherein the specific configuration (page 5, paragraph 52, software download for configurations) is selected from the group of AMSSB, FM, PSK, QPSK, QAM, FSK, TDMA, CDMA, FDMA, AMPS, and GSM (page 5, paragraph 46, GSM).

Referring to **claim 19**, Lewis discloses a software defined radio comprising a RF Section (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations), a IF section and a baseband section (page 3, paragraph 18, signal may be at baseband or at IF), wherein the IF section and the baseband sections are programmable (page 3, paragraph 19, signal is converted to either IF or baseband for despreading), a plurality of software modules containing programs for the IF section and the baseband section (page 3, paragraph 19, signal is converted to either IF or baseband for despreading), the improvement comprising a smart card reader (page 1, paragraph 9, SIM card with a data processor), wherein information retrieved by the smart card reader designates the respective programs for the IF section and the baseband section (page 3, paragraph 18, signal may be at baseband or at IF).

Referring to **claim 20**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) of claim 19, wherein the information is based on the service requirements of a user (page 1, paragraph 9, user data).

Referring to **claim 21**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) of claim 19, wherein the information is based on the mission requirements of a user (page 1, paragraph 9, user data).

Referring to **claim 23**, Lewis discloses the software designed radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) of claim 19, wherein programs are selected from the group enabling AMSSB, FM, PSK, QPSK, QAM, FSK, TDMA, CDMA, FDMA, AMPS, and GSM configurations (page 5, paragraph 46, GSM).

Referring to **claim 24**, Lewis discloses a method for configuring a radio with software for communicating in a wireless environment (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations), the method comprising the steps of: receiving configuration information from a smart card in communication with the radio (page 1, paragraph 9, SIM card with a data processor); configuring the radio in accordance with the configuration information (page 5, paragraph 52, software download for configurations), said configuration information allowing the radio to communicate in the wireless environment (page 4, paragraph 27, processor comprising receiver adapted to receive information relating to plurality of service modes).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 13, 22 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 20040018853 to Lewis, in view of U.S. Pat. App. Pub. No. 2003/0214780 to Oh-Yang et al.

Referring to **claim 6**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) according to claim 1. Lewis does not disclose that the information retrieved from the smartcard comprises a security authorization. The examiner maintains that the concept that the information retrieved from the smartcard comprises a security authorization was well known as taught by Oh-Yang et al.

However, in the similar field of endeavor, Oh-Yang et al show that the information provided by a SIM card includes a security password (page 1, paragraph 6; SIM card is interpreted as being the smartcard).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis to show the software defined radio, wherein the information retrieved from the smartcard comprises a security authorization, as taught by Oh-Yang et al., the motivation being applying identification technique for recognizing the user (page 1, paragraph 5).

Referring to **claim 13**, Lewis discloses the configuration method (page 5, paragraph 52, software download for configurations) of claim 11. Lewis does not disclose that the configuration information includes authorization information. The examiner maintains that the

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concept that the configuration information includes authorization information was well known as taught by Oh-Yang et al.

However, in the similar field of endeavor, Oh-Yang et al show that the information provided by a SIM card includes a security password (page 1, paragraph 6, SIM card is interpreted as being the smartcard).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis to show that the configuration information includes authorization information, as taught by Oh-Yang et al., the motivation being applying identification technique for recognizing the user (page 1, paragraph 5).

Referring to **claim 22**, Lewis discloses the software defined radio (page 4, paragraph 42, RF unit; page 5, paragraph 52, software download for configurations) of claim 19. Lewis does not disclose that the information is based on the security status of the user. The examiner maintains that the concept that the information is based on the security status of the user was well known as taught by Oh-Yang et al.

However, in the similar field of endeavor, Oh-Yang et al show that the information provided by a SIM card includes a security password (page 1, paragraph 6, SIM card is interpreted as being the smartcard).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis to show that the information is based on the security status of the user, as taught by Oh-Yang et al., the motivation being applying identification technique for recognizing the user (page 1, paragraph 5).

Referring to **claim 25**, Lewis discloses the configuration method (page 5, paragraph 52, software download for configurations) of claim 24. Lewis does not disclose the step of verifying current validity of the smartcard. The examiner maintains that the concept of verifying current validity of the smartcard was well known as taught by Oh-Yang et al.

However, in the similar field of endeavor, Oh-Yang et al show that the information provided by a SIM card includes a security password (page 1, paragraph 6, SIM card is interpreted as being the smartcard).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis to show the step of verifying current validity of the smartcard, as taught by Oh-Yang et al., the motivation being applying identification technique for recognizing the user (page 1, paragraph 5).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to smartcard technology.

U.S. Pat. App. Pub. No. 2004/0005914 to Dear.

U.S. Pat. App. Pub. No. 2002/0068608 to Souissi.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 8 am to 5 pm. If attempts to reach the examiner

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by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (571) 272-7905.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

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